

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and favorable reconsideration of the subject application is requested in view of the comments and/or amendments made herein.

Claims 22-24, 26-28, 30-32, 34-41 and 43-44 and remain in this application. Claims 1-21 were previously canceled. Claims 25, 29, 33 and 42 have been cancelled, and applicant retains the right to present those claims in a divisional application. Claims 22, 26-28, 30-32, 40-41 and 43 have been amended. No new matter has been added by the new claims or amendments.

The Examiner objected to claim 22 for a word error. The claim has been amended, making the objection moot.

Claims 26 and 36 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. For the following reasons, the rejection is respectfully traversed.

Support for the cited claims can be found starting on page 3, line 25, to page 4, line 15, which discusses determining the cutting process, and specifically states that “Moreover, preferably in the one or more additional cutting devices, there is performed a further measurement of the shape, structure and/or dimension of the strip. It is herewith possible to verify or correct the first measurement from the first cutting device for a possible alteration of the cutting profile for the additional cutting device(s)”. page 3, line 30 to page 4, line 4. Furthermore, on page 6, lines 6-26, which discuss that each cutting station may have scanning and computing means.

Moreover, claim 15 of the original filed specification states that “further measuring means are arranged in said one or more additional cutting devices for the scanning of the shape, structure and/or dimension of said strips”, and claim 26 was provided with the initial U.S. filing.

Taking this disclosure into account, one skilled in the art would know that the disclosure teaches an option of scanning the cuts at a subsequent cutting station for

further determining the cutting profile, and thus the rejected claims are sufficiently supported by the disclosure.

Claims 22-32, 34-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demerin (U.S. Patent 3,841,186) in view of Wadell (U.S. Patent 5,186,089) and in further view of Kim et al. (U.S. Publication 2003/0145699). For the following reasons, the rejections are respectfully traversed.

The claims have been amended by specifying that a second cutting stage comprises *two or more* cutting devices having substantially parallel feeding directions. Both Demerin and Wadell teach that all cut pieces must be provided at the *same* second cutting station, as there is only one. Furthermore, the limitations explicitly require that these additional cutting stations have substantially parallel feeding directions, a feature that is clearly not suggested by the references.

Regarding claims 29 and 42 based on Kim paragraph 0055 fails to disclose this feature. Kim's preferred embodiment comprises only one single cutting stage with flexible water-jets that cut in all directions. Although Kim briefly mentions in paragraph 0055 that there can be several sequential cutting stages for taking care of different cutting directions by different means, e.g. a bandsaw for vertical cuts and water-jets for horizontal cuts, any such several cutting stages of Kim are obviously not performing in parallel, as they are supposed to process the same piece of meat, one after another. Thus, the independent claims, and the claims dependent thereon, are patentable over the references.

Regarding the definition of "quadratic", it is noted that the Examiner's definition is clearly nonsensical when it comes to meat piece shapes (and not true, as a quadratic equation cannot be used to describe any three-dimensional shape; e.g., a sphere is defined by an equation that is not a quadratic equation). Quadratic equations define open objects, and thus cannot be used to describe three-dimensional objects. Furthermore, on page 4, line 25, that quadratic means rectangular is made clear by the statement that "Rectangular, quadratic pieces can hereby be produced...." Furthermore, page 2, lines 1-9 discusses the cutting of meat into cubes, which along with following discussion, makes it clear that this is the desired cutting shape. Page 3, lines 15-17 and page 4, line 12

discuss rectangular pieces of meat for the process of the method, which is elsewhere described as quadratic shapes. Thus, one skilled in the art, reading the specification, would understand the use of quadratic as meaning rectangular or cubed pieces. The claims are not read in isolation, but must be construed in light of the specification (*Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc), aff'd, 517 U.S. 370 (1996)). The primary source for the definitions of terms in a claim is the *specification*, which should be looked to *first* to clarify any ambiguities. *Phillips v. AWH Corp.* 415 F.3d 1303 (Fed. Cir. en banc, 2005).

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. SCAN1-41253.

Respectfully submitted,
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